



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,663	12/08/2005	Alun Cole	2200-01000	9824
23505	7590	03/23/2007	EXAMINER	
CONLEY ROSE, P.C.			BELLAMY, TAMIKO D	
P. O. BOX 3267			ART UNIT	
HOUSTON, TX 77253-3267			PAPER NUMBER	
			2856	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/23/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/536,663

Applicant(s)

COLE, ALUN

Examiner

Tamiko D. Bellamy

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/27/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1 and 16 are objected to because of the following informalities:
 - a. Claim 1, last line, after the word "re-released" insert --second--.
 - b. Claim 16, last line, after the word "re-released" insert --second--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Albro et al. (2003/0067393A1).

Re claims 1 and 16, as depicted in figs. 3 and 5, Albro et al. discloses a releasing device (e.g., heat exchange means (57)) for releasing a sample from a sample tube (34). Albro et al. discloses a device for analysing (e.g., NMR monitor) a first portion of the released sample. Albro et al. discloses a collecting device (e.g., tube 35) for collecting a second portion of the sample. Albro et al. discloses a device (e.g., heat exchange means (55)) for re-releasing the collected second portion of the sample. Albro et al. discloses a device for analyzing the re-released portion of the sample (Pg. 3, Par. 26-27).

Re claims 2, and 17, Albro et al. discloses selecting a tube from an autosampler.

Re claim 3, as depicted in fig. 5, Albro et al. discloses a two-stage analysis.

Re claims 4 and 18. Albro et al. discloses the second portion of the sample released from each sampling tube is collected in a second collection tube or trap (Pg. 3, par. 27).

Re claim 5, as depicted in fig. 5. Albro et al. discloses a single collection tube (35) to collect the second portion of the sample (Pg. 3, par. 27).

Re claim 6, as depicted in fig. 5, Albro et al. discloses the respective collection tube (35) are used to collect a second portion pf each released sample (Pg. 3, par. 27).

Re claim 7, as depicted in figs. 3 and 5, Albro et al. discloses the respective collection tubes (34, 35) are selected form an autosampler.

Re claims 8 and 19, as depicted in fig. 5, Albro et al. discloses while a portion of the re-released sample (34) is analysed, a second portion is being recollected (35) (Pg. 3, pars. 26-27).

Re claims 9 and 20, as depicted in fig. 5, Albro et al. discloses collecting the sample in an intermediate tube (35) or trap prior to the steps of analyzing the first portion of the released sample and collecting the second portion of the released sample (Pg. 3, par. 26-27).

Re claims 10 and 21, as depicted in fig. 5, Albro et al. discloses the second portion of the sample released from the sampling tube (35).

Re claim 11, as depicted in fig. 5, Albro et al. discloses automatically carrying out a plurality of sampling tubes (34, 35) in an autosampler.

Art Unit: 2856

Re claim 12, as depicted in fig. 5, Albro et al. discloses releasing the sample collected in either a sampling tube (34) or the collecting tube (35) and analysing the released sample (Pg. 32, pars. 26-27).

Re claim 13, as depicted in fig. 5, Albro et al. discloses analyzing only a first portion of the sample, and a second portion of the released sample being recollected (35).

Re claim 14, as depicted in fig. 5, Albro et al. discloses collecting the sample in a tube (35) or trap prior to the steps of analyzing the first portion of the released sample and collecting the second portion of the released sample (Pg. 3, par. 26-270).

Re claim 15, as depicted in figs 3 and 5, Albro et al. discloses the second portion of the sample released from the sample by or a collecting means may be buffered, by collecting the sample in a tube (35) or trap.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tamiko Bellamy

T.B.

March 8, 2007



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800